

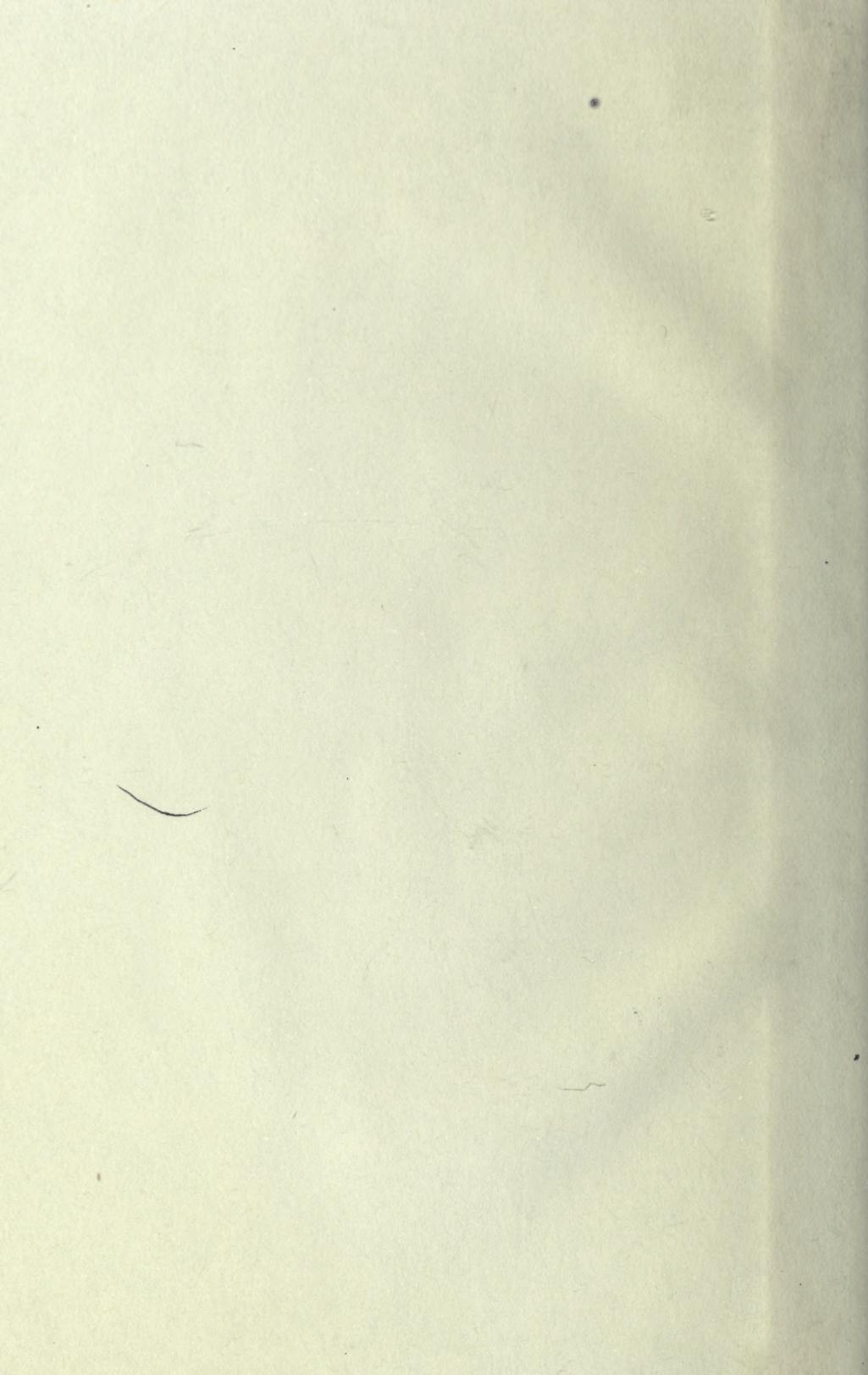
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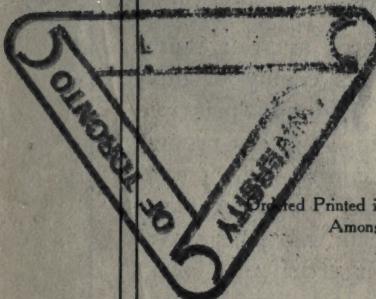
WARNINGS CONCERNING "RESTRICTIONS," "SAFEGUARDS," AND
"JOKERS." PROPOSED AMENDMENTS TO
STATE CONSTITUTIONS

Report of the Executive Council of the American Federation of Labor

TO THE

SEATTLE, WASH., CONVENTION

1913



Printed in Pamphlet Form by the Convention for Distribution
Among Central Bodies and State Federations of
Labor for Their Guidance

American Federation of Labor
A. F. of L. Building - Washington, D. C.

The following is a reprint of the report of the Executive Council of the American Federation of Labor to the Seattle Convention, dealing with the subject of initiative, referendum and recall legislation. This report points out the pitfalls of initiative and referendum legislation as commonly drafted by partisan legislators who are opposed to the system and by which its purposes are either defeated or made useless. The following proposed draft of resolution as a state constitutional amendment is submitted as a model of a bill to be urged for enactment by state legislatures which will insure a practical and effective system of initiative, referendum and recall.

The convention directed that a sufficient number of copies of this portion of the report be printed to distribute to all central bodies and state federations of labor for their guidance.

The convention further urged upon all affiliated bodies the advisability of becoming members of the National Popular Government League to which this report refers, which league has for its purpose the promotion of efforts to place in the hands of the people the means of popular government.

WARNINGS CONCERNING "RESTRICTIONS," "SAFE-GUARDS" AND "JOKERS"

A survey of the struggles in the various State Legislatures and constitutional conventions, to secure the initiative and referendum, conclusively proves that the most dangerous enemy of direct legislation is the legislator, or candidate, who "favors the principle" but under "proper restrictions and safeguards." Every properly constructed direct legislation system, of course, will contain legitimate safeguards to prevent frauds and insure an honest expression of the people's will, but the politician who talks gravely of "safeguards" usually has at heart the insertion of "jokers" disguised to give the people the form but not the substance of power.

As the initiative and referendum grow in favor and the demand for them becomes irresistible, the people must be on guard against this sort of trickery and should question every candidate, not only

upon his "principles," but also upon what kind of an initiative and referendum amendment he stands for.

Between a constitutional amendment of this character and a statute law there is a vital difference which the friends of direct legislation, inclined to "take what they can get and improve it afterward," should carefully consider. A statute law can be amended from year to year, but to improve the initiative and referendum involves an amendment to the Constitution itself, requiring a long struggle, often more difficult to secure than the adoption of the original amendment. No result worth speaking of can be secured through the original amendment and the people become disgusted with the system. Set it down that a poor amendment is worse than none at all.

Restrictions

Under the head "restrictions" there are three direct limitations upon the power of the people which should not be permitted, as follows:

1. *Restricting the scope of the initiative to statute laws and denying the people the right to propose or adopt an amendment to their State constitution.*

The constitutional initiative is the most important factor in any amendment. No people can be free who can not control their organic law. The constitution may stand squarely in the way of State laws necessary for the public welfare and the people be powerless to enact such laws until the Legislature first submits an amendment to the constitution.

2. *Restricting control of public funds. To deny the right of the people to file a referendum petition against "appropriation" measures.*

The chief power of any political machine, next to control of franchises, lies in control of the public treasury. With this restriction the people have no power to prevent a looting of the public funds. On the other hand, it is maintained that serious embarrassment to State institutions may follow if legitimate appropriation bills can be suspended by a referendum filed by enemies of the administration. Wisconsin meets this situation admirably by providing that "no appropriation for maintaining the State government or any public institution not exceeding the next pre-

vious appropriation for the same purpose" shall be subjected to the referendum, but the increase is open to referendum as is also any special appropriation for any purpose other than current needs.

3. *Restricting the number of questions.* *To place an arbitrary limit upon the number of questions which may be submitted to the people in any one election.*

This limitation, already in force in several States, as to constitutional amendments submitted by the Legislature, has worked great hardships. The political machine every year files the required number with trivial propositions and keeps important amendments waiting indefinitely. The same danger lurks in restrictions upon the initiative and referendum. Those who fear that the people are mentally incapable of judging several questions in any election may reassure themselves by examining the election returns. It is not wise for the people to limit their own powers.

The above are arbitrary restrictions upon the people which the predatory interests constantly seek to insert in amendments. We have now to consider the dangerous "jokers." That is, provisions which professedly grant power, but under such conditions that the people can not exercise the power.

Jokers

Petition jokers.—Efforts to abort the initiative and referendum center, first, upon the petition. There are several ways to "properly safeguard" petitions which will prevent their being secured at all.

1. *To require an enormous number of signatures.*—This, of course, renders it impossible for the common people who have little time or money to spend, to secure a petition. Experts agree that 50,000 signatures for the initiative and 30,000 for the referendum are sufficient for American States.

2. *To require a distribution of petitions in a large number of counties or congressional districts.*—In Montana, for example, petitions must be secured in each of two-fifths of the counties of the State. This requirement has severely crippled the initiative and referendum and effectively prevented their use from 1906 to 1912. It looks innocent and just, but in practice it imposes a very heavy burden on the people. If it be feared that local questions will be

injected in State campaigns—which is the excuse given for this joker—such abuse can be prevented by a provision that only general questions go upon the State ballot and that local questions be settled by the district concerned.

3. *To prohibit circulation of petitions for pay.*—In nearly every initiative and referendum petition circulated in American States it has been necessary, in addition to volunteer effort, to hire solicitors to complete the petition. This is true even on petitions circulated by such powerful organizations as State granges, State federations of labor, commercial organizations, etc. William S. U'Ren, father of the Oregon system says, “to prohibit the hiring of solicitors is practically equivalent to abolishing the initiative and referendum.” Frauds, recently practiced in Ohio, Colorado, and Oregon have been seized upon by corporate interests as an excuse for this joker which is being strenuously urged. But the way to prevent fraud is by stringent corrupt practices acts and jail terms for persons who fraudulently sign the names of other men.

4. *The injunction.*—*Amendments shall specially provide for speedy court decisions in case injunctions are filed against petitions and those filing petitions should be forced to prove insufficiency or fraud.*

The misuse of the injunction writ is a growing danger. Several questions have been kept off the ballot when a perfectly legitimate petition has been enjoined by a reactionary court and its validity decided too late for the question to be submitted to the election intended.

Non-Suspension Joker.—A referendum petition filed against a law passed by the legislature should suspend the law until voted upon by the people. Reactionaries are now demanding that such laws remain in operation until the election and a rejection merely act as a repeal. This big danger here is that an act of the Legislature involving the transfer of property rights might be construed by the courts as a contract and the rejection of the act by the people would not enable them to recover their property.

The emergency joker.—To permit time to secure referendum petitions, legislative acts should not go into operation for ninety days. But sometimes it is desirable that a law go into instant opera-

tion, and the Legislature, by a two-thirds vote, should be empowered to declare such a law an "emergency measure."

In South Dakota, however, and some other States, the emergency clause puts a law beyond the reach of the referendum, and the people are powerless to vote upon such a law. Thus the people of South Dakota have the right of referendum only by permission of the Legislature. Over 40 per cent of the laws passed in that State are passed as emergency measures.

The majority joker.—*To require a too difficult or impossible majority for the enactment or rejection of a measure by the voters.* Measures should be determined at the polls by a majority of the votes cast thereon. It is demanded by the stand-patters that a measure, to be enacted, must receive a majority of "all votes cast in the election" or of "the total number of voters in the State." If we compute the election returns upon every State-wide measure submitted thus far under the initiative and referendum in the United States, we shall find that a general average of 75 per cent of the voters, voting for candidates, vote one way or another upon pending measures. That is to say, 25 per cent of the voters are either too ignorant, careless, or undecided to vote upon pending laws submitted to them. The effect of the "majority of all votes cast" joker is to count this inert body of citizens against every proposal made by the people through the initiative and referendum. This joker has practically destroyed the initiative in Oklahoma except for special elections. In the twelve State constitutions, where it has long obtained for adopting ordinary measures, it has rendered these constitutions, according to Professor Dodd of Illinois University, "practically impossible to amendment." It is tantamount to requiring a two-thirds or even five-sixths majority of actual voters to overrule the Legislature.

This joker should have short shrift in Massachusetts, where for a century and a third constitutional amendments have always been determined by a majority of the voters voting thereon.

Publicity joker.—*Failing to provide an adequate and efficient means of informing voters regarding measures submitted to them.*

Even conservative statesmen will admit that the American people can be trusted to render just judgment upon public questions if they have time for consideration and are properly informed.

Then, when the initiative and referendum are installed, with charming inconsistency they refuse to provide an adequate system of informing the voters upon pending measures. The usual method is to provide in the amendment that measures shall be published "as constitutional amendments are now published," which is by newspaper advertising or by tacking up the text of a proposed measure in public places. Actual results have shown that by these methods not over one-third of the voters ever see a copy of a proposed law, much less read an honest discussion of its merits and demerits by responsible parties. The discrimination shown by the voters of Oregon is largely due to the fact that the Secretary of State, fifty days before election, sends, by mail, to each voter a well-printed pamphlet containing a copy of each measure, together with arguments, for and against, which may be submitted by citizens or organizations upon the paying of the actual cost of space taken. The lack of such a method of publicity is a weak spot in the traditional Massachusetts practice in referenda on constitutional amendments. This, and their frequently uninteresting character, will explain the light vote which is sometimes cast upon them.

The General Principle Fraud

It is frequently advocated, especially by constitutional lawyers, that a complete initiative and referendum amendment is too long to be placed in the constitution. Hence, the demand that the amendment contain only the general principle and that it be left to the Legislature to work out the details of the system.

Experience has proven this a very dangerous procedure.

Utah.—For example: In 1900 the people of Utah adopted at the polls an amendment containing the "general principle," permitting the people to exercise the initiative and referendum "under such conditions and in such manner and within such time as may be provided by law."

For thirteen years the Utah Legislature has refused to put the amendment into force, although bills have been introduced in every single session demanding that it should be done.

Idaho.—In 1912 an amendment providing for "the general principle" was adopted by the people of Idaho by an enormous majority.

The Legislature, which met in January, 1913, defeated a bill which proposed to carry into effect the will of the people. This within twelve weeks after the election.

Texas.—The 1913 session of the Texas Legislature submitted an amendment to be voted upon at the election of 1914, which provided for 20 per cent petitions and everything else left to the action of the Legislature.

Warning.—Thus every case thus far has failed in which the Legislature has been given power over the initiative and referendum.

Moreover, in every session of the Oregon Legislature since 1904, and also in nearly every State having the initiative and referendum in practice, bills and proposed constitutional amendments which would destroy or greatly cripple the effective amendments now in operation, have been introduced and every effort made to secure their adoption. Two constitutional amendments submitted by the Legislature, proposing changes in the Oregon system, which would have destroyed its usefulness, have been defeated by overwhelming majorities. This is proof both that the people of Oregon are satisfied with their system, and, secondly, that every amendment must be made bomb-proof from the start.

**PROPOSED AMENDMENTS TO STATE CONSTITUTIONS TO INSURE
THE ENACTMENT OF PROPER INITIATIVE, REFERENDUM,
AND RECALL LAWS**

A Joint Resolution

Proposing an amendment to the constitution of (name of State), providing for the Initiative and Referendum.

Be it resolved by the Senate and House of Representatives of the State of _____, That a proposition be submitted to the people of the State of _____ to amend section _____, article _____, of the State constitution, to read as follows:

Sec. 1. *Legislative Authority.*—The legislative authority of this State shall be vested in a Senate and House of Representatives, but the people reserve to themselves power to propose legislative measures, laws, resolutions, and amendments to the constitution, and to enact or reject the same at the polls independent of the general assembly; and also reserve power at their own option to approve or reject at the polls any act, item, section, or any part of any act or measure passed by the general assembly.

Sec. 1a. *Initiative.*—The first power reserved by the people is the Initiative, and not more than 8 per cent, and in no case more than fifty thousand legal

voters (as may be determined by law) shall be required to propose any measure by initiative petition, and every such petition, shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon.

Sec. 1b. *Referendum.*—The second power reserved by the people is the Referendum and it may be ordered either by a petition signed by the required number of legal voters or by the general assembly as other bills are enacted. Not more than 5 per cent, nor in any case more than thirty thousand legal voters may be required to sign and make a valid referendum petition. The filing of a referendum petition against one or more items, sections, or parts of any measure shall not delay the remainder from becoming operative. Referendum petitions against measures passed by the general assembly shall be filed with the Secretary of State not later than ninety days after the final adjournment of the session of the general assembly at which such measures were passed, except when adjournment shall be taken temporarily for a longer period than ninety days, in which case such petitions shall be filed not later than ninety days after such temporary adjournment. All measures referred to a vote of the people by referendum petitions shall remain in abeyance until such vote is taken.

Sec. 1c. *Emergency.*—If it shall be necessary for the preservation of the public peace, health, or safety that a measure shall become effective without delay, such necessity shall be stated in one section, and if upon a yea and nay vote three-fourths of all the members elected shall vote upon separate roll-call in favor of the measure going into instant operation such measure shall become operative at the time specified therein. It shall be necessary to state in such section the facts which constitute such emergency. *Provided*, That an emergency shall not be declared on any franchise or act alienating any property of the State. If a referendum petition is filed against an emergency measure such measure shall be a law until it is voted upon by the people, and if it is then rejected by a majority of the electors voting thereon, it shall be thereby repealed. The provisions of this subsection shall apply to city councils.

Sec. 1d. *Municipal and Local Initiative and Referendum.*—The initiative and referendum powers of the people are hereby further reserved to the legal voters of each municipality, county, and district as to all local, special, and municipal legislation of every character in and for their respective municipalities, counties, and districts. Cities and towns may provide for the exercise of the Initiative and Referendum as to their local legislation. Petitions shall be filed with the city clerk or other officer, as may be provided by law. Not more than 10 per cent of the legal voters may be required to order the referendum nor more than 15 per cent to propose any measure by initiative petition in any municipality, county, or local subdivision of the State. Every extension, enlargement, purchase, grant, or conveyance of a franchise, or of any rights, property, easement, lease, or occupation of or in any road, street, alley, bridge, or park, or any part thereof in any real property, or interest in any real property owned by a municipal corporation whether the same be by statute,

ordinance, resolution, or otherwise, shall be subject to referendum and shall not be subject to emergency legislation. The time for filing referendum petitions against municipal or local measures shall not be fixed at less than thirty days after the passage thereof by municipal or local legislative bodies.

Sec. 1e. *General Provisions.*—The word "measure" as used herein means any law, bill, resolution, ordinance, charter, or constitutional amendment, or any other legislative measure. All elections on general, local, and special measures referred to the people of the State or any locality shall be held at the regular general elections, except when the Legislature or the Governor shall order a special election; but counties, cities, and towns may provide for special elections on local legislation. Any measure submitted to the people as herein provided shall take effect and become law when approved by a majority of the votes cast thereon and not otherwise. Such measures shall be in operation on and after the thirtieth day after the election at which it is approved. The veto power of the Governor or Mayor shall not extend to measures initiated by or referred to the people. If conflicting measures submitted to the people shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become law. No measure approved by a vote of the people shall be amended or repealed by the general assembly or any city council except by a yea and nay vote, upon roll-call, of three-fourths of all the members elected. The whole number of votes cast for Governor at the last preceding general election shall be the basis upon which the number of legal voters necessary to sign petitions shall be counted, except that in municipalities it shall be computed upon the vote cast for Mayor. Legal voters only shall be counted upon petitions. Petitions may be circulated and presented in parts, but each part of any petition, shall have attached thereto the affidavit of the person circulating the same that all the signatures thereon were made in the presence of the affiant and to the best of the affiant's knowledge and belief each signature is genuine and that the person signing is an elector and no other affidavit or verification shall be required. The sufficiency of all petitions shall be decided by the Secretary of State, or corresponding local officer, as the case may be, subject to review by courts of record, which shall give precedence over all other cases in the adjudication of the same. If the Secretary of State, or such local officer, shall decide any petition to be insufficient he shall without delay notify the sponsors of the petition and permit at least twenty days for correction or amendment. In the event of legal proceedings in any court to prevent giving effect to any petition, upon any grounds, the burden of proof shall be upon the person or persons attacking the validity of the petition.

This section shall not be construed to deprive any member of the general assembly or city council of the right to introduce any measure. The style of all bills shall be "Be it enacted by the people of" (name of State, municipality, or county, as the case may be). All measures of any kind submitted to a vote of the people shall be published as may hereafter be required by law. In submitting measures to the people the Secretary of State and all other officials shall be guided by the general laws until additional legislation shall be provided there-

for. This amendment shall be self-executing, but the general assembly may enact laws to facilitate its operation. No legislation shall be enacted to impair or hamper the exercise of the rights herein reserved to the people.

The Recall

Proposing a Constitutional Amendment for the recall of public officers.

Be it resolved by the Legislature of the State of _____, that a proposition be submitted to the people of the State of _____ to amend article _____, of the State Constitution by adding thereto a new section to be known as section _____, as follows:

That article _____, of the Constitution of the State of _____, be and is hereby amended by adding thereto a new section, which shall be section _____, as follows:

Section _____. Every elective public officer in _____, whether holding his office by election or appointment, is subject, as herein provided, to recall by the legal voters of the State or of the electoral district from which he is elected. There may be required 25 per cent, but not more, of the number of voters who voted in his district at the preceding election for the office to which he was elected to file a valid petition demanding his recall by the people, save and except that the signatures of not more than 15 per cent of the legal voters shall make a valid petition demanding the recall of an officer voted for by the electors of the entire State. The petitioners shall set forth in their petitions the reasons for such demand. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after the petition is filed, a special election shall be ordered to be held in his said electoral district not less than twenty nor more than sixty days after the filing of such petition, to determine whether the people shall recall such officer. On the sample and official ballots at such election shall be printed in not more than five hundred words the reasons for demanding the recall of said officer as set forth in the recall petition and in not more than five hundred words the officer's justification of his course in office; *provided*, that the Legislature may provide, by means of a publicity pamphlet or otherwise, for further information of the voters concerning the reasons alleged for the recall of said officer and with said officer's defense. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office may be nominated to be voted upon at said special election. The recall of the officer against whom such recall petition is filed shall be voted upon as a separate question. If a majority of all the voters voting in such special election shall vote in favor of the recall of said officer, he shall thereby be removed from such office and the candidate who shall have received the highest number of votes shall be deemed elected to fill the remainder of the term. The name of the officer sought to be recalled shall not appear upon the ballot as a candidate. No vote for any candidate shall be counted unless the voter shall have also voted upon the question of the recall of the officer sought to be removed. The recall petition

shall be filed with the officer or officers with whom a petition for nomination to such office should be filed, or other officer as may be provided by law, and such officer or officers shall order a special election when it is required. No such recall petition shall be circulated against any officer until he has actually held his office six months, save and except that it may be filed against a Senator or Representative in the Legislature, or any member of a city council at any time after five days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners shall first pay into the public treasury which has paid such election expenses the whole amount of its expenses for such previous special election. Such additional legislation as may aid in the operation of this section shall be provided by law, including provision for payment by the public treasury of the reasonable special campaign expenses of such officer in the event that he is not recalled.

AN ORGANIZATION TO INSURE POPULAR GOVERNMENT

We have cooperated in a movement now under way for the organization of a National Popular Government League, non-partisan in character, composed of the active friends of popular Government throughout the nation. It will have as its purpose the combating of the efforts of corporation controlled politicians to side-track and destroy the initiative, referendum and recall by the means we have pointed out, and to promote other measures which will give the people a better control over their government. A convention to form this league and to confer over the general situation, is called by the committee having the work of organization in charge, to meet in Washington, D. C., December 6, 1913. It is suggested that a bureau of information be organized and conducted in connection with the league, to furnish accurate information to organizations and citizens interested in these questions and also to provide literature.

An especially important feature of the work of this league is to promote what is known as the "Gateway Amendment," which is a change in the method of amending the Federal Constitution, to render it more easily amendable. It is proposed that a majority of Congress (not as now two-thirds), or ten States, either by legislative action or by direct vote of the people, can propose amendments which must be submitted, not to the State Legislatures as at present, but directly to the people of the whole nation to be adopted

or rejected at the polls. Such an amendment would mean practical control over the Constitution by the people and enable them to bring that instrument safely in harmony with conditions and necessities of modern times. The importance of such a process to the whole people can not well be over-estimated.

Our participation in the convention of this new league, December 6, and our cooperation in its work has been urged. The suggestion is submitted to you for your approval.

We desire to especially emphasize and reiterate the warning made by the Rochester Convention against the insidious efforts being made by the enemies of direct legislation to secure the submission of initiative, referendum and recall provisions containing so-called "safeguards and restrictions" calculated to destroy their usefulness. Organized labor has battled for these popular rights too many years to permit the people to be robbed of the benefits of the initiative and referendum now that they are rapidly being adopted by states and cities.

While it may be advisable at times to compromise, where it is necessary to secure adoption of statute laws benefiting Labor, with a hope of perfecting them later, this principle can not be applied, with safety, to constitutional amendments such as the initiative and referendum. Defective provisions are useless when in force, and it has been found more difficult to improve them than to secure workable provisions to begin with. Statute laws may be amended by the Legislature at a single sitting, but to improve the initiative and referendum requires a change in the constitution, difficult to secure. Moreover, when once adopted and no good results follow, because of the hidden "jokers" in the provisions, a reaction, or at least apathy, of public sentiment is almost sure to follow. The danger in which this great movement now stands and the power and cunning of the opposition against it will better be appreciated by a brief statement of the events which have happened since the Rochester Convention.

The people of Idaho, by an eight to one vote, at the November election (1912), adopted an initiative and referendum amendment which provided for the "general principle" only and left the Legislature to complete it and put it in force. The Legislature met in January, rejected a law calculated to carry out the will of the people, so Idaho has no initiative and referendum.

The Legislature of Iowa passed an amendment giving the Legislature power to fix petitions for initiative anywhere between 12 per cent and 22 per cent; referendum anywhere between 10 per cent and 20 per cent; such percentages to be secured in each of the congressional districts of the State. Initiated proposals must be passed at two successive biennial elections. The worthlessness of such a provision appears when we remember Iowa has 500,000 voters.

The Legislature of Minnesota has submitted an initiative and referendum amendment which, aside from other jokers, contains this significant language: "The circulation of the petitions provided for herein or *prohibition of the circulation thereof* may be regulated by law."

The Legislature of Texas has submitted an amendment providing 20 per cent petitions. This means petitions of 61,000 legal voters out of a total of 300,000, in a State covering 265,000 square miles. Also, this is the only definite provision in the amendment, all else being left to legislative enactment. The experience of Idaho and Utah should warn our people against the adoption of any such make-shifts.

The people of Washington adopted the initiative and referendum at the last election. The Legislature which met in January following passed a law making it a misdemeanor for a man to receive any compensation for circulating petitions. Further, this law has a provision which would make the officials of the State Federation of Labor liable to prison sentence if they should accept so much as a single penny from the American Federation of Labor to aid them in passing or defeating any law submitted to the people. With such prohibitive law, the Legislature of Washington might just as well have abolished the initiative and referendum themselves.

In Ohio, the Governor of the State, in harmony with the corporation interests, is demanding that the Legislature pass a law prohibiting the payment of money for compensation or expenses to those who circulate petitions. It requires in Ohio, a petition of over 100,000 legal voters to initiate a constitutional amendment. It is practically impossible to secure such a petition under the rigorous conditions imposed, by volunteer effort alone.

In 1908, the people of Missouri approved a good initiative and referendum amendment. The 1913 session of the Legislature

has in lieu of the good one submitted an amendment containing jokers which will greatly cripple, if not destroy, the effectiveness of their system.

Recently, no doubt through want of information, a friend of the initiative and referendum in the Legislature of North Carolina introduced an amendment which requires 15 per cent petitions to initiate a measure, these percentages to be secured in each of fifty counties of the State.

The commission form of government in cities is making rapid progress. Labor's position in regard to this plan has been, from the first, that it must be protected by stringent initiative, referendum, and recall provisions; yet examination will show that in over half of the 289 cities adopting this system, the initiative, referendum, and recall are made so difficult as to assure no real protection to the people over the actions of their commissioners.

In short, the forces, of toryism and plutocracy are up to their old tricks of destroying indirectly what they can not defeat openly. They are succeeding in their efforts, as is shown by the facts presented, and we call upon organized labor and all liberty-loving people not only to expose these attempts but urge that legislative committees shall refuse to compromise and shall reject worthless amendments and fight on until workable, efficient systems can be secured from honest legislators.

The people can better afford to postpone effective and practical initiative, referendum and recall legislation, than to permit the enactment of a pretext and thus shackle the future efforts in this direction.

APPENDIX.

Communication from Senator Owen.

Nov. 6th, 1913.

UNITED STATES SENATE,
Committee on Banking and Currency.

Hon. SAMUEL GOMPERS, President the American Federation of Labor, New Richmond Hotel, Seattle, Wash.

MY DEAR MR. GOMPERS:

I have your letter of the 31st ult., in acknowledgment of my letter addressed to the officers and delegates of the convention, and further stating that the Initiative, Referendum, and Recall is fully dealt with in the report to be made to the convention by the Executive Council.

I am very greatly pleased to learn of your action in this matter, as I believe your attitude will be a source of great strength to the popular government movement.

I find that there was not included in my letter to you an explanatory note requesting that, if not inconsistent with your practices and the pleasure of the officers, I should like to have the letter read to the convention. I enclose an extra copy herewith.

I desire to personally invite you to be present at the national conference of popular government men to be held in Washington on December 6th, and take part in its deliberations.

Very sincerely yours,

R. L. OWEN.

UNITED STATES SENATE,
Committee on Banking and Currency.

Oct. 29th, 1913.

Hon. SAMUEL GOMPERS, President, and the Officers and Delegates to American Federation of Labor Convention, Seattle, Washington.

MR. PRESIDENT AND GENTLEMEN:

Permit me, on behalf of myself and the Committee of Fifty, to call your attention to the movement now on to establish a national organization for the purpose of promoting and protecting direct legislation in the United States.

I do this with added pleasure when I recall that the American Federation of Labor, at its annual meeting in 1892, then, as now, under the leadership of Mr. Gompers, was the first organized body of men in the United States to adopt resolutions favoring the Initiative, Referendum, and Recall. From that date to this, organized labor has ever been in the forefront of the battle for these instruments of popular government, and I congratulate you that your zeal has

not abated nor your activities become dormant. At the time you first entered this fight the politicians gave little heed. These measures have now become so popular that in nearly every state of the nation every man aspiring to public office makes haste to announce his devotion to the principles of direct legislation. They have progressed so rapidly within the past few years, that there has come over the friends of the Initiative and Referendum a certain laxity, due, no doubt, to the belief that the battle is now practically won and will succeed of itself.

Herein lies our danger. It has ever been the tendency of the friends of democracy to struggle for principles until they are accepted by mankind and then leave the framing of the instruments of government, by which they are to be applied, to conservative and even reactionary men. This is true of the constitutional history of England; it is true of the formation of our constitutions, both national and state and, as a result, we have had a machinery of government utterly inadequate to permit genuine control by the people of the most vital affairs which concern their daily lives and working conditions.

This same danger threatens us today. On every hand we find states and municipalities adopting the Initiative, Referendum and Recall, and other tools of popular government cast in such form as to insure failure. We may expect to be betrayed by the astute politician who represents not the people but the organized selfishness of machine politics, but it is inexcusable that the friends of progress shall be so ill-informed concerning these measures, that they not only often acquiesce in, but frequently approve the passage of amendments and statute laws under which direct legislation can not possibly work with success.

One of the first objects of the National Popular Government League will be to warn the friends of popular government of the danger from restrictive jokers in these laws, and to present such model forms as will work effectively. Nothing but a concerted movement, well organized, of every force in the nation devoted to these principles, can successfully combat the astute and powerful campaign now being waged by the forces of plutocracy to bring this great new movement to nothing. They know they can not prevent the adoption of these measures in some form, but they know that special privilege will be safe if they succeed in giving the people a shadow and not the substance of power.

Not only must we do this, but we must rectify the mistakes and defects in our political structure which have long been the bulwark of privilege and the stumbling block in the way of liberty and economic justice. For example, we need a new method of amending the Federal Constitution by which that venerable document, framed in the eighteenth century, can be made flexible and responsive to the needs and conditions of the twentieth century. The word "unconstitutional" has become a joke among us and it is high time that we had a national constitution under which progress can be made. The National Popular Government League will promote a new method, to be known as the Gateway Amendment, which will permit a majority, not two-thirds, of the members of Congress to propose amendments directly to the voters of the whole nation for their approval or rejection, and we shall insist that a pamphlet be sent franked through the mails to every voter, containing a copy

of the proposed amendments, together with arguments, both for and against, so that the people may know what they are voting upon.

This league will establish a bureau of information at its headquarters in Washington, where not only free literature may be had for the asking upon these subjects pertaining to popular government, but also expert advice upon pending legislation, special information, etc., etc., as may be desired by those actually engaged in promoting these measures.

This league will be absolutely non-partisan and its officers and members will refuse to permit it to be used for party purposes in any way.

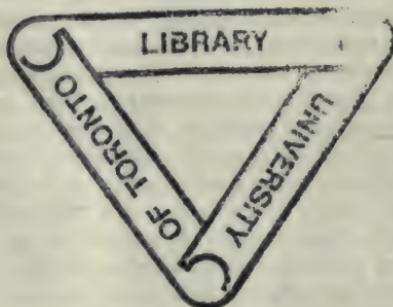
We cordially invite the co-operation of the American Federation of Labor in this movement, as also we will invite organizations of farmers, reform leagues, etc., devoted to these principles. At a meeting of the committee, recently held, it was decided to accept such organizations upon the same basis as that of individual members, viz., by the payment of an annual fee of \$1.00. I respectfully suggest to the officers and leaders of the organized labor movement that they call the attention of their local organizations to this feature and, if found not inconsistent with their principles and customs, to urge them to affiliate with the National Popular Government League.

We shall hold a national convention of popular government men in the city of Washington on December 6th, and I take pleasure in inviting the officers and delegates to your convention to attend this conference and take part in its deliberations. International and local organizations are requested to send delegates. We shall be pleased indeed to have the labor organizations of the United States represented in this conference as fully as possible.

Again congratulating you upon your devotion to the principles of democracy and the great work you are doing, I am,

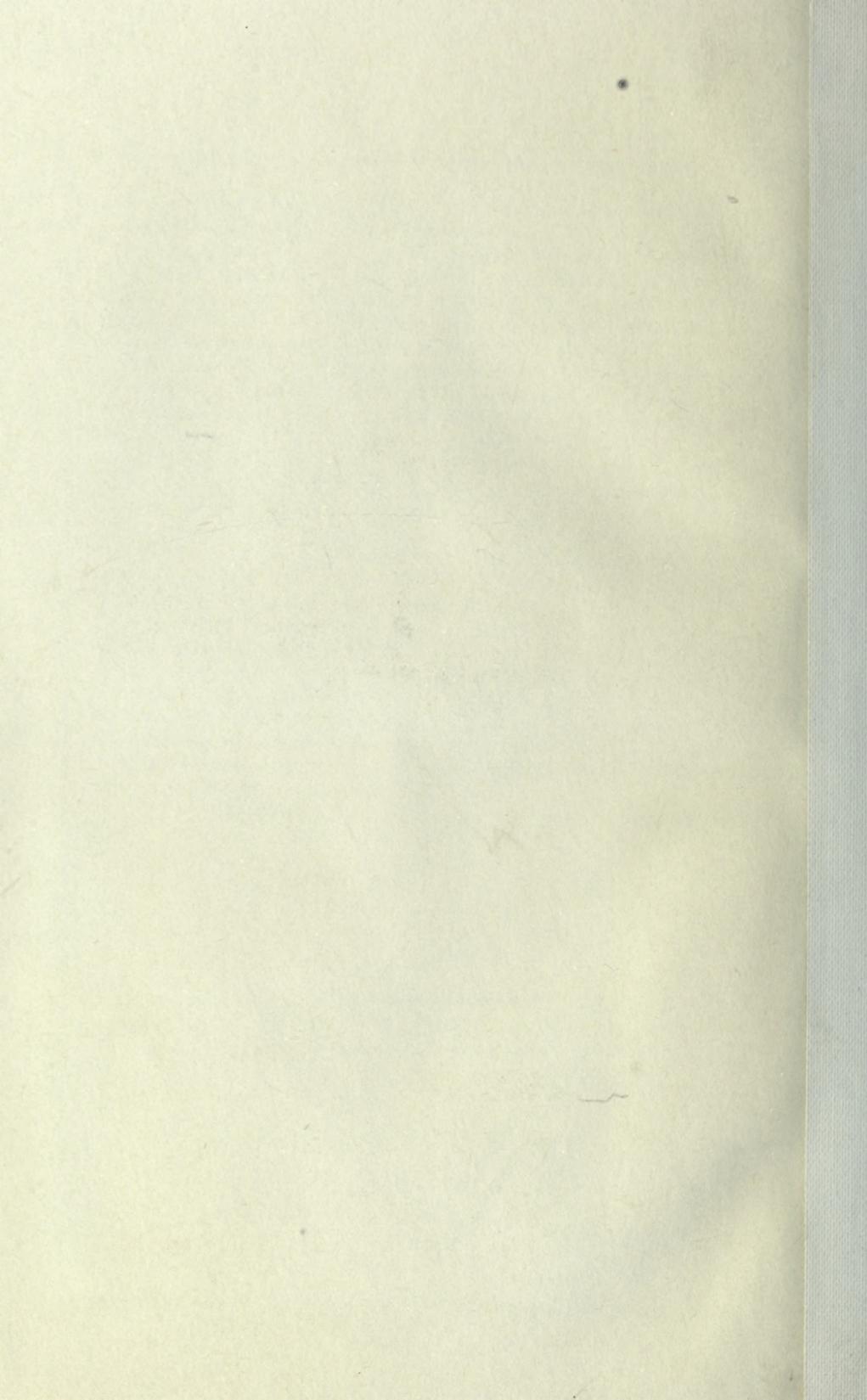
Very sincerely yours,

R. L. OWEN.









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